

## **REMARKS**

In a non-final Office Action (“the Office Action”) mailed April 4, 2008, claims 1-4, 6, 9, 10, 12, 13, 30-34, 62-65 and 70-77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliott in view of U.S. Patent Application Publication No. 2002/0091501 (Durbin et al.; hereinafter “Durbin”), and claims 62-65 and 70-73 were rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants would like to thank the Examiner for the courtesies extended during the call of July 3, 2008 to discuss proposed claim amendments, now reproduced above. As discussed, Applicants believe the claims, as currently amended, are in suitable condition for allowance for the reasons described more fully below.

Applicants note that claims 5, 7, 8, 11, 14-16, 35-41 and 66-69 have now been canceled. Additionally, claims 17-29 and 42-61 have been withdrawn previously. Thus, no further discussion of these canceled or withdrawn claims will be presented. Claims 1-4, 6, 9, 10, 12, 13, 30-34, 62-65 and 70-77 are currently pending.

Claims 62-65 and 70-73 stand rejected under 35 U.S.C. § 112, second paragraph for failure to recite proper antecedent basis for each limitation. By amendment above, Applicants respectfully submit that the antecedent basis errors found in claims 62-65 and 70-73 have been corrected, and that claims 62-65 and 70-73 are now in suitable condition for allowance.

Claims 1-4, 6, 9, 10, 12, 13, 30-34, 62-65 and 70-77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliott in view of Durbin. Elliott has been discussed extensively in Applicants’ prior responses. Durbin recites a system for remotely managing a network of waste containers. Durbin, ¶[0004]. Each waste container is equipped with a monitoring unit, and a central computer periodically polls the containers to check their status. *Id.* at ¶[0016]. The central computer then processes the containers’ status into a form which is

compatible with remote monitors. *Id.* at ¶[0089]. With this understanding, Applicants respectfully submit that the combination of Elliot in view of Durbin fails to establish prima facie obviousness of the claims.

Applicants first note that claims 1, 9 and 30 have been amended above to recite that the event information is processed “without regard to occurrence of the event information and according to at least one user-specified execution frequency.” Support for these amendments may be found at least in paragraphs 0017, 0019, 0038 and 0039 and FIG. 4 of the instant specification.

Applicants submit that claims 1, 9 and 30, as amended, are allowable because Durbin does not teach a user-defined frequency for processing event information nor is such processing performed without regard to occurrence of the event information. Durbin teaches a user-defined frequency for polling the waste containers, but does not teach a user-defined frequency for processing the event database. Instead, Durbin’s database processing is performed automatically, based on the occurrence of event information. Durbin does not disclose allowing the database to be processed at a frequency different from the polling frequency. Durbin discloses that “[p]olling involves an outbound call or communication initiated by the central computer.” *Id.* at ¶[0016]. However, Durbin does not teach processing the event database independently of the polling schedule. Simply stated, the polling taught by Durbin refers to a periodic call to the container, “and the polling module updates the database accordingly.” *Id.* at ¶[0016]. The teachings of Durbin concern user-defined polling periods, rather than a user-defined frequency for processing the event database.

In contrast, the present invention describes user-selection of polling frequencies for the tracking infrastructure (instant application, ¶[0023]; akin to the polling describe by Durbin) *and*

user-selection of rule assessment frequencies (instant application, ¶[0038]). Claims 1, 9 and 30 describe a periodic assessment of rules based on the event database, regardless of the occurrence of the event information and according to at least one user-specified execution frequency. Claims 1, 9 and 30 are different from the cited reference to Durbin because the claims teach a periodic processing of the database, while Durbin teaches a periodic outbound call initiated by the central computer. The processing of the database in claims 1, 9 and 30 is based upon a user-defined frequency, while the processing of the database in Durbin is event-driven, i.e., *with* regard to the occurrence of event information. As such, Applicants respectfully submit that the reference of Elliott, in view of Durbin, fails to establish prima facie obviousness and therefore claims 1, 9 and 30 are suitable for allowance.<sup>1</sup>

With regard to claim 2, Applicants respectfully submit that the rejection of claim 2, as previously amended, is inappropriate. Claim 2 does not recite a configuration engine component, as suggested by the Office Action. As such, no prima facie basis for rejecting claim 2 has been established and claim 2 is therefore in suitable condition for allowance.

With regard to claim 6, Applicants respectfully submit that the cited reference does not teach at least two execution frequencies with at least two rules, such that a portion of the at least two rules is executed with a frequency different from other rules of the at least two rules. The Office Action cites Elliott, col. 10, lines 30-49. This reference teaches the comparison between two parameters to determine whether an alarm event should occur. For example, the tracking server may compare the speed of a vehicle to a permissible speed in order to determine whether an alarm event should occur. Applicants have previously noted that the Elliott reference teaches

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<sup>1</sup> Additionally, with regard to claim 1, Applicants note that the Office Action's assertion that Elliott does not disclose "... one or more degree of use characteristics of the at least one container" is immaterial. Even before the present Amendments, claim 1 did not include this feature. In any event, Applicants believe that claim 1 is in suitable condition for allowance for the above-described reasons.

two separate rules, for example one alarm event when a vehicle reaches 50 MPH, and a second alarm event when the vehicle reaches 75MPH.

However, Elliott fails to teach the processing of two separate rules *at differing frequencies*. Simply stated, even though Elliott teaches two rules based on a vehicle's speed, Elliott does not teach processing these two rules at separate frequencies. For example, Elliott does not teach that the 50 MPH alarm event is processed more or less frequently than the 75 MPH alarm event. For this reason, Applicants respectfully submit that the limitations of claim 6 are not taught by the cited reference, which claim is therefore suitable for allowance.

With regard to claims 62 and 70, Applicants respectfully submit that the cited reference does not teach at least one rule to determine whether at least one empty container has been allowed to sit for greater than a period of time. Simply put, none of the six paragraphs cited for this reason teach a rule that determines whether a container has been allowed to sit for greater than a period of time. In fact, Durbin teaches a system for remotely managing a network of waste containers. As a person having ordinary skill in the art will appreciate, it is unlikely that the waste containers would ever be moving around and it is therefore unnecessary for Durbin to rely on rules concerning how long a container has sat. For these reasons, the cited reference fails to establish prima facie obviousness and therefore claims 62 and 70 are suitable for allowance.

Similarly, with regard to claims 63-65 and 71-77, the cited references do not teach rules that apply to a container's status in order to optimize the system. The six cited paragraphs describe polling, Durbin, ¶¶[0016]-[0017], maintaining a database, *id.* at ¶[0042], and retrieving the status of waste containers, *id.* at ¶¶[0046], [0050]-[0051]. However, none of these portions teach the application of a container's status to the limitations of claims 63-65 and 71-77. Simply

stated, Durbin teaches a system for monitoring the status of the containers, but Durbin does not teach rules that process the status of a container in order to optimize the system.

For example, Durbin, ¶[0050] describes a container that communicates the  $\frac{3}{4}$ ,  $\frac{1}{2}$ , or  $\frac{1}{4}$  pressure flag. However, this reference does not teach any instance in which the container's status is analyzed according to the rules of claims 63-65, or 71-77. The cited portions simply teach retrieving a container's status, while the limitations of claims 63-65 and 71-77 further disclose the application of rules to the status in order to optimize the system. For this reason, Applicants respectfully submit that the cited reference does not establish prima facie obviousness and therefore claims 63-65 and 71-77 are suitable for allowance.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,



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